

## AMENDMENTS TO THE CLAIMS

Please replace the prior version of claims with the following marked-up version of the claims:

1. (Currently Amended) A surgical fastener instrument comprising:  
a handle;  
an elongated member extending ~~distally~~ from the handle, the elongated member ~~defining~~ including a first elongate portion extending generally along a first longitudinal axis ~~extending the length of the elongated member, the elongated member having~~ and a second elongate portion extending from the first elongate portion generally along a second longitudinal axis intersecting the first longitudinal axis ~~an offset distal end portion angularly arranged at a predetermined angle with respect to the first longitudinal axis; and~~  
a fastener applying mechanism mounted to the ~~offset distal end~~ second elongate portion of the elongated member, the fastener applying mechanism including a plurality of fasteners arranged in a general linear array, the fastener applying mechanism having a member for driving the fasteners ~~having at least one fastener adapted to be driven~~ into tissue.

2. (Currently Amended) The surgical fastener instrument of claim 1 including a ~~proximal~~ manually manipulative actuator mounted to the handle and operatively connected to the fastener applying mechanism, the actuator movable relative to the handle to actuate the fastener applying mechanism.

3. (Currently Amended) The surgical fastener instrument of claim 2 wherein the ~~proximal~~ actuator includes a fastener firing lever depending from the ~~frame~~ handle to define a pistol grip configuration, the firing lever being dimensioned for engagement by the fingers of the operator.

4. (Original) The surgical fastener instrument of claim 2 wherein the fastener applying mechanism includes a fastener holder and an anvil, the fastener holder and the anvil adapter for relative movement between an open position and an approximated position.

5. (Original) The surgical fastener instrument of claim 4 including an approximating mechanism for moving the fastener holder and the anvil between the open position and an approximated position.

6. (Original) The surgical fastener instrument of claim 5 wherein the fastener applying mechanism includes a flexible cable extending within the elongated member and operatively connected to the proximal actuator.

7. (Currently Amended) The surgical fastener instrument of claim 5 including a ~~proximal~~ manually manipulative approximator mounted to the handle and operatively connected to the approximating mechanism, the approximator movable relative to the handle to actuate the approximating mechanism.

8. (Original) The surgical fastener instrument of claim 7 wherein the approximating mechanism includes a flexible cable extending within the elongated member and operatively connected to the proximal approximator.

9. (Currently Amended) The surgical fastener instrument of claim 7 wherein the fastener holder and the anvil define a general U-shaped structure, the anvil being on a ~~distal~~ first leg of the U-shaped structure and the fastener holder being on ~~the proximal~~ a second leg of the U-shaped structure, the anvil and the fastener holder being adapted for relative movement to clamp tissue to be fastened between the fastener holding part and the anvil part when in the approximated position.

10. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a “scissor jack” type toggle linkage, the “scissor jack” type toggle linkage being operatively connected to the respective actuator or approximator.

11. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a crank mechanism, the crank mechanism further including a cam arrangement, said cam arrangement further includes a plurality of cam slots, levers, and pins to actuate the respective mechanism.

12. (Withdrawn) The surgical instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a

ball drive arrangement, the ball drive arrangement including an eccentric bearing and a hex or ball drive engageable with the eccentric bearing, the bearing rotatable to drive a pusher to actuate the respective fastener applying or approximating mechanism.

13. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a gear arrangement having a plurality of gears, the gear cooperating to actuate the respective fastener applying or approximating mechanisms.

14. (Currently Amended) The surgical fastener instrument of claim 1 wherein the predetermined angle of the ~~offset distal end~~ second elongate portion of the elongated member is in [the] a range from about [0°] 1° to about 90°.

15. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 45°.

16. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 60°.

17. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 75°.

18. (Original) The surgical fastener instrument of claim 3 wherein the fastener applying mechanism includes a knife, the knife further including a finger tab for manual operation.

19. (Currently Amended) A surgical fastener instrument comprising:  
a handle;

an elongated member extending distally from the handle, the elongated member defining a longitudinal axis ~~extending the length of the elongated member~~, the elongated member having an offset distal end wherein said offset distal end is extends along a second longitudinal axis in general parallel relation to the lateral first-mentioned longitudinal axis and in spaced relation therewith of the instrument;

a fastener applying mechanism mounted to the offset distal end of the elongated member, the fastener applying mechanism having at least one fastener; and

a proximal actuator assembly including means for firing at least one fastener.

20. (New) The surgical fastener instrument of claim 1 wherein the second elongated portion is fixed relative to the first elongated portion.